

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CRAIG A. THOMPSON,

Petitioner, : Case No. 3:18-cv-117

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

CHAE HARRIS, Warden,
Warren Correctional Institution

:
Respondent.

ORDER DENYING “REQUEST FOR REMAINDER OF THE RECORD”

This habeas corpus case under 28 U.S.C. § 2254 is before the Court on Petitioner’s Request for the Remainder of the Record (ECF No. 41). In it he claims that the transcripts of his motion to suppress hearings are still not complete.

Upon examination of Respondent’s most recent filing on this topic, the Court notes that the transcript filed November 26, 2018 (ECF No. 38-1) purports to be for the dates June 13 and June 24, 2013 (ECF No. 2351). The transcript contains the usual indicia that it is the last transcript on the motion to suppress in that the parties offer exhibits and the court says it is taking the matter under advisement and sets dates for briefing (ECF No. 38-1, PageID 2480). The final comment by the court that “We’ll be in recess” (PageID 2482) usually means that a court is in recess, not that a hearing is being recessed.

The transcript previously filed contains proceedings from the beginning of the hearing on the motion to suppress on June 6, 2013 (ECF No. 11-2, PageID 1040). At PageID 1157, the

transcript shows proceedings adjourned but to recommence Monday December 7, 2015. Just prior to that, the transcript was of a prior motion to suppress hearing, because Mr. Hansen is still shown as counsel for Petitioner, whereas Mr. Staton had been substituted at the time of trial.

Petitioner has represented that the motion to suppress hearing was held on three separate days and the Court now has transcribed testimony for three separate dates. It thus appears that the transcript of the motion to suppress hearings is complete.

In the absence of some evidence from Petitioner that the transcript is in fact still incomplete, his Request for the Remainder of the Record is DENIED.

December 3, 2018.

s/ *Michael R. Merz*
United States Magistrate Judge